

**Before the
Federal Communications Commission
Washington, D.C. 20554**

Arthur Garabedian
Licensee of Radio Station WPLE302
Brea, CA

NOV# V20043290009

Released: July 14, 2004

2. On April 7, 2004 an Agent of the Commission's Los Angeles Office monitored and inspected radio station WPLE302 located at 603 S. Cedar Ave., Brea, CA, and observed the following violation(s):

- a. 47 C.F.R. § 1.903(a): “General rule. Stations in the Wireless Radio Services must be used and operated only in accordance with the rules applicable to their particular service as set forth in this title and with a valid authorization granted by the Commission under the provisions of this part, except as specified in paragraph (b) of this section. When monitored, the station was found to be transmitting non-voice communications for purposes other than to establish or maintain communications.” The license for this station does not authorize non-voice communications except to establish or maintain communications (47 C.F.R. 90.207(b)). The inspection also revealed that the station was configured as a fixed relay for other base stations. This station class is not authorized by the license at any location.
- b. 47 C.F.R. § 90.403(e): “General Operating Requirements. Licensees shall take reasonable precautions to avoid causing harmful interference. This includes monitoring the transmitting frequency for communications in progress and such other measures as may be necessary to minimize the potential for causing interference.” Station was monitored in near continuous operations, transmitting on the input frequency of the licensee’s associated mountaintop mobile relay station. Monitoring revealed that transmissions

¹ 47 C.F.R. § 1.89.

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were being made without apparent regard for co-channel traffic by other licensees.

3. Pursuant to Section 308(b) of the Communications Act of 1934, as amended,² and Section 1.89 of the Commission's Rules, Arthur Garabedian, must submit a written statement concerning this matter within 20 days of release of this Notice. The response must fully explain each violation, must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and should include a time line for completion of pending corrective action(s). The response must be complete in itself and signed by a principal or officer of the licensee. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission
Los Angeles Office
18000 Studebaker RD., Suite 660
Cerritos, CA 90703

4. This Notice shall be sent to Arthur Garabedian, 1899 S. Santa Cruz St., Anaheim, CA 92805.

5. The Privacy Act of 1974³ requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance. Any false statement made knowingly and willfully in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.⁴

FEDERAL COMMUNICATIONS COMMISSION

Catherine Deaton
District Director
Los Angeles Office

² 47 U.S.C. § 308(b).

³ P.L. 93-579, 5 U.S.C. § 552a(e)(3).

⁴ 18 U.S.C. § 1001 *et seq.*